

# SENATE RESOLUTION No. 114

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 21, 2007

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

### **SYNOPSIS**

Urges Congress to reject draft legislation preempting ability of states to regulate greenhouse gases.

### **CURRENT VERSION OF TEXT**

As introduced.



1   **A SENATE RESOLUTION** urging the Congress of the United States to  
2       reject draft legislation preempting the ability of states to regulate  
3       greenhouse gases.  
4  
5   **WHEREAS**, The recent report of the Intergovernmental Panel on  
6       Climate Change concluded with a very high degree of certainty that  
7       human activity, particularly the burning of fossil fuels, either causes  
8       or significantly contributes to global climate change; and  
9   **WHEREAS**, The United States emits over seven billion metric tons of  
10       greenhouse gas emissions, the substances believed to cause global  
11       climate change, each year into the atmosphere with approximately  
12       28 percent coming from the transportation sector; and  
13   **WHEREAS**, Many states have already taken significant actions to  
14       respond to the warnings regarding the dangers of global climate  
15       change including formation of the Regional Greenhouse Gas  
16       Initiative, setting ambitious targets for greenhouse gas reductions  
17       and, following California's lead, plans to regulate automakers to  
18       reduce greenhouse gas emissions across vehicle fleets; and  
19   **WHEREAS**, In 2002, California passed legislation creating vehicle  
20       emissions standards that will require that tailpipe greenhouse gas  
21       emissions from new vehicles be reduced by 22 percent by the 2012  
22       model year and 30 percent by the 2016 model year, thereby  
23       allowing other States, including New Jersey, under the Clean Air  
24       Act, to adopt these more stringent vehicle emissions standards  
25       rather than less stringent federal emissions standards; and  
26   **WHEREAS**, On April 2, 2007 the United States Supreme Court  
27       released its landmark ruling in Massachusetts vs. Environmental  
28       Protection Agency (EPA) which permitted the EPA to regulate  
29       greenhouse gas emissions under the Clean Air Act, thereby lending  
30       support to California, and other states including New Jersey, to  
31       regulate greenhouse gas emissions in the transportation sector; and  
32   **WHEREAS**, On June 1, 2007 U.S. Representative Rick Boucher of  
33       Virginia, the Chairman of the Energy and Commerce Committee's  
34       Energy and Air Quality Subcommittee, introduced a discussion  
35       draft of legislation that would preempt California, and thereby  
36       eleven other states, from implementing laws requiring automakers  
37       to reduce greenhouse gas emissions across their fleets; and  
38   **WHEREAS**, Representative Boucher's draft legislation would also,  
39       effectively, overrule the Massachusetts vs. the Environmental  
40       Protection Agency decision by limiting the EPA's authority to  
41       reporting on greenhouse gas emissions, rather than regulating  
42       greenhouse gas emissions; and  
43   **WHEREAS**, Representative Boucher's draft legislation would  
44       needlessly undermine the ability of states, which are on the  
45       forefront in the effort to reduce greenhouse gas emissions, as well  
46       as the EPA, to act to address the well accepted dangers associated  
47       with climate change; now, therefore,

1       **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

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3       1. This House respectfully urges the Congress of the United  
4 States to reject recent draft legislation proposed by Representative  
5 Boucher that would preempt the ability of states to regulate  
6 greenhouse gas emissions.

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8       2. Duly authenticated copies of this resolution, signed by the  
9 President of the Senate and attested by the Secretary thereof, shall  
10 be transmitted to the Speaker, Majority Leader and Minority Leader  
11 of the United States House of Representatives, the President of the  
12 United States Senate, the Majority and Minority leaders of the  
13 United States Senate and every member of Congress elected from  
14 this State.

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STATEMENT

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19       This resolution would urge the United States Congress to reject  
20 draft legislation introduced by Representative Boucher, which  
21 would preempt the ability of states to regulate greenhouse gases. In  
22 the absence of clear federal action to respond to global climate  
23 change, many states have taken significant action to limit  
24 greenhouse gas emissions. The draft legislation would undo much  
25 of that work and undermine the states' ability to take action.